

# **EXHIBIT 4**

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

SEAN SMITH and CRYSTAL SMITH,	)	
	)	
Plaintiff,	)	
	)	
-vs-	)	CASE NO. 5:17-cv-1302 D
	)	
CSAA FIRE AND CASUALTY	)	
INSURANCE COMPANY,	)	
	)	
Defendant.	)	

DEPOSITION OF  
DAVID M. BATTLE  
TAKEN ON BEHALF OF THE PLAINTIFFS  
IN OKLAHOMA CITY, OKLAHOMA  
ON NOVEMBER 2, 2018

REPORTED BY: TRENA K. BLOYE, CSR

1 Q I'm going to show you Defendant's Exhibit 17.

2 And I've only got one copy of this one, too, but we'll  
3 make copies.

4 A Is this this house?

5 Q We'll get there. Just take your time looking  
6 at them.

7 A Okay.

8 MR. ANDREWS: Adam, where are these  
9 pictures from?

10 MR. ENGEL: I took them.

11 MR. ANDREWS: I'm pretty sure we asked in  
12 discovery to produce any and all photographs of the  
13 house. I'm pretty sure I've never seen this picture of  
14 the house.

15 MR. ENGEL: We went back to look at it.  
16 I'll submit them.

17 MR. ANDREWS: Just note my objection on  
18 the record.

19 A Yeah. I can see the picture. This mostly  
20 looks like rotted wood here.

21 Q (By Mr. Engel) Have you had time to look at the  
22 pictures?

23 A Yeah, for the most part.

24 Q If that was the floor joist underneath that  
25 house, you wouldn't be able to jack up those, would you?